

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| ANGELA HELLMAN, |) | |
| |) | |
| Plaintiff, |) | Case No.: 4:21-cv-01140-RLW |
| |) | |
| v. |) | |
| |) | |
| GATEWAY REGIONAL YOUNG MEN'S |) | |
| CHRISTIAN ASSOCIATION, |) | |
| |) | |
| Defendant. |) | |

JOINT MOTION TO MODIFY SCHEDULING ORDER

COMES NOW Plaintiff, Angela Hellman ("Plaintiff") and Defendant, Gateway Region Young Men's Christian Association ("YMCA") (collectively referred to as "the Parties"), by and through counsel, and hereby move this Court to modify its June 29, 2022 Second Amended Case Management Order.

In support of their Joint Motion, the Parties state as follows:

1. On October 22, 2021, this Court issued its Case Management Order.
2. As part of its Case Management Order, the Court ordered the Parties to complete all discovery in this case by May 27, 2022.
3. On February 1, 2022, this Court issued an Order referring this case to alternative dispute resolution ("ADR") and ordered that ADR be completed by March 16, 2022.
4. On February 11, 2022, the Parties filed a Designation of Neutral by the Parties, with a scheduled mediation date of April 6, 2022.
5. Due to scheduling conflicts, the Parties requested that the Court extend the March 16, 2022 deadline to complete ADR up to, and including, April 7, 2022.

6. Thereafter, the parties scheduled Plaintiff's deposition for March 29, 2022 so that it could be taken prior to mediation.

7. However, Plaintiff's deposition had to be rescheduled because Plaintiff fell and injured herself the day before her deposition was scheduled to be taken.

8. Plaintiff's deposition was therefore rescheduled for April 25, 2022, and mediation was rescheduled (with the Court's authority) for May 9, 2022.

9. On April 25, 2022, Defendant's Counsel began taking the deposition of Plaintiff.

10. However, during the course of Plaintiff's deposition, Plaintiff experienced an episode that resulted in her "completely shutting down" which rendered her totally unable to recall anything about specific events that occurred during the week of her termination of employment from Defendant YMCA.

11. As a result, Plaintiff's deposition was terminated for the day and the Parties subsequently rescheduled it for June 14, 2022.¹

12. The resumption of Plaintiff's deposition was scheduled for June 14, 2022.

13. However, Plaintiff was unable to attend the deposition as scheduled because of a serious health problem that hospitalized her for an extended period of time.

14. Because Plaintiff was in the hospital, the parties were also forced to again reschedule their June 17, 2022 mediation.

15. Accordingly, the Parties requested an Order from this Court amending its Amended Case Management Order to allow the Parties to complete ADR and discovery by August 31, 2022.

¹ Upon Motion of the Parties, the Court also amended the discovery and ADR deadlines so that discovery and mediation could be completed by June 30, 2022.

16. The Court also extended the deadlines for any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, and motions under *Daubert* until September 19, 2022.

17. Plaintiff's deposition resumed and was completed on August 23, 2022 and the Parties were scheduled for mediation on August 26, 2022.

18. However, Ron Wiesenthal (the Parties' selected mediator) cancelled mediation on August 24, 2022, because he was sick.

19. Mediation has now been rescheduled for September 22, 2022 and the Parties believe it would be appropriate to complete mediation before spending the time and resources necessary to conduct any final discovery and file dispositive motions.

20. As a result, the Parties respectfully request an Order from this Court amending its Second Amended Case Management Order as follows:

- a. The Parties shall complete ADR by September 23, 2022;
- b. The Parties shall complete all discovery in this case by September 30, 2022.
- c. Any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, and motions under *Daubert* need to be filed by October 14, 2022. For summary judgments, opposition briefs shall be filed November 14, 2022, or within thirty (30) days of the filing of the motion, whichever is earlier; any reply brief may be filed by November 28, 2022, or within fourteen (14) days of the filing of the opposition, whichever is earlier.
- d. All other deadlines issued in the Court's June 29, 2022, Second Amended Case Management Order shall remain in effect.

WHEREFORE, the Parties respectfully request that the Court issue an Order modifying the Second Amended Case Management Order as requested above and granting such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

OTT LAW FIRM

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system on this 31st day of August, 2022 and will be served electronically to all counsel of record.

/s/ Daniel J. Doetzel